REMARKS

The July 8, 2008 Final Office Action was based upon pending Claims 7-38 and 45-54. This response amends Claims 7, 11, 12, 16, 25, 32, and 45. Thus, after entry of this response, Claims 7-38 and 45-54 are pending and presented for further consideration.

ISSUES RAISED IN THE OFFICE ACTION

The Office Action objected to Claim 12 because of informalities. Further, the Office Action rejected Claim 12 under 35 U.S.C 112, second paragraph, as being indefinite.

The Office Action also rejected Claims 7-9, 11, 12, 15-17, 19, 21, 23-25, 29, 31-38, 45, 46, 48, and 50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,188,973 to Martinez et al. (hereinafter "Martinez") in view of U.S. Patent No. 5,905,867 to Giorgio (hereinafter "Giorgio").

Further, the Office Action rejected Claims 10, 14, 20, 30, 49, 51, 52, and 54 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of U.S. Patent No. 5,245,615 to Treu (hereinafter "Treu").

The Office Action also rejected Claims 18 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of U.S. Patent No. 5,581,712 to Herrman (hereinafter "Herrman").

In addition, the Office Action rejected Claims 13 and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of U.S. Patent No. 5,337,413 to Lui et al. (hereinafter "Lui").

Further, the Office Action rejected Claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of U.S. Patent No. 5,627,965 to Liddell (hereinafter "Liddell").

The Office Action also rejected Claim 53 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of U.S. Patent No. 5,781,434 to Tobita et al. (hereinafter "Tobita").

OBJECTION OF CLAIM 12

The Office Action rejected Claim 12 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, Applicant has amended the phrase "the computer comprising a plurality of networked microprocessors" to read "the server computer comprising a plurality of networked microprocessors" in Claim 12 lines 6-7.

The Office Action also objected to Claim 12 because of the following informalities: the second to the last line states "powering down the system" where "powering down the at least one server computer" is consistent with the claim amendments.

In response, Applicant has amended the phrase automatically powering down the system" to read "automatically powering down the at least one server computer" in Claim 12 lines 29-30.

REJECTION OF CLAIMS 7-9, 11, 12, 15-17, 19, 21, 23-25, 29, 31-38, 45, 46, 48, and 50 UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claims 7-9, 11, 12, 15-17, 19, 21, 23-25, 29, 31-38, 45, 46, 48, and 50 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio.

Claim 7

Applicant has carefully reviewed Martinez and Martinez appears to teach monitoring the temperature of a computer system and powering down the system when the temperature is above a set point threshold. Applicant has also carefully reviewed Giorgio and Giorgio appears to teach automatically increasing the speed of at least one canister fan if the speed of the at least one canister fan is below a threshold.

However, neither Martinez, nor Giorgio teach a system configured to automatically indicate that the canister fan has a fault if the canister fan speed is zero; to automatically set the fan speed to high if the canister fan speed is below a fan speed

threshold and above zero; and to automatically set the fan speed to low if the canister fan speed is above a fan speed threshold.

Because the references cited by the Examiner do not disclose, teach or suggest a system configured to automatically indicate that the canister fan has a fault if the canister fan speed is zero; to automatically set the fan speed to high if the canister fan speed is below a fan speed threshold and above zero; and to automatically set the fan speed to low if the canister fan speed is above a fan speed threshold, along with the other recitations of independent Claim 7, Applicant asserts that Claim 7 is not obvious in view of Martinez and Giorgio, alone or in combination.

Applicant therefore respectfully submits that Claim 7 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 7.

Claims 8 and 9

Claims 8 and 9 depend from Claim 7 and are believed to be patentable for the same reasons articulated above with respect to Claim 7, and because of the additional features recited therein. That is, Martinez and Giorgio do not teach the elements of Claim 7 or the additional elements of Claims 8 and 9.

Claim 11

Although independent Claim 11 has different language than Claim 7, Claim 11 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein. That is, Martinez and Giorgio do not teach the different elements of Claim 11.

Claim 12

Although independent Claim 12 has different language than Claim 7, Claim 12 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein. That is, Martinez and Giorgio do not teach the different elements of Claim 12.

Claim 15

Claim 15 depends from Claim 12 and is believed to be patentable for the same reasons articulated above with respect to Claim 12, and because of the additional features recited therein. That is, Martinez and Giorgio do not teach the different elements of Claim 15.

Claim 16

Although independent Claim 16 has different language than Claim 7, Claim 16 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein. That is, Martinez and Giorgio do not teach the different elements of Claim 16.

Claims 17, 19, 21, 23, and 24

Claims 17, 19, 21, 23, and 24 depend from Claim 16 and are believed to be patentable for the same reasons articulated above with respect to Claim 16, and because of the additional features recited therein. That is, Martinez and Giorgio do not teach the elements of Claim 16 or the additional elements of Claims 17, 19, 21, 23, and 24.

Claim 25

Although independent Claim 25 has different language than Claim 7, Claim 25 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein. That is, Martinez and Giorgio do not teach the different elements of Claim 25.

Claims 29 and 31

Claims 29 and 31 depend from Claim 25 and are believed to be patentable for the same reasons articulated above with respect to Claim 25, and because of the additional features recited therein. That is, Martinez and Giorgio do not teach the elements of Claim 25 or the additional elements of Claims 29 and 31.

Claim 32

Although independent Claim 32 has different language than Claim 7, Claim 32 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein. That is, Martinez and Giorgio do not teach the different elements of Claim 32.

Claims 33-38

Claims 33-38 depend from Claim 32 and are believed to be patentable for the same reasons articulated above with respect to Claim 32, and because of the additional features recited therein. That is, Martinez and Giorgio do not teach the elements of Claim 42 or the additional elements of Claims 33 - 38.

Claim 45

Although independent Claim 45 has different language than Claim 7, Claim 45 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein. That is, Martinez and Giorgio do not teach the different elements of Claim 45.

Claims 46, 48, and 50

Claims 46, 48, and 50, which depend from Claim 45, are believed to be patentable for the same reasons articulated above with respect to Claim 45, and because of the additional features recited therein. That is, Martinez and Giorgio do not teach the elements of Claim 45 or the additional elements of Claims 46, 48, and 50.

REJECTION OF CLAIMS 10, 14, 20, 30, 49, 51, 52, and 54 UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claims 10, 14, 20, 30, 49, 51, 52, and 54 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of Treu.

Claims 10, 51, and 52

Claims 10, 51, and 52 depend from Claim 7 and are believed to be patentable for the same reasons articulated above with respect to Claim 7, and because of the

additional features recited therein. That is, Martinez, Giorgio and Treu do not teach the elements of Claim 7 or the additional elements of Claims 10, 51, and 52.

Claim 14

Claim 14 depends from Claim 12 and is believed to be patentable for the same reasons articulated above with respect to Claim 12, and because of the additional features recited therein. That is, Martinez, Giorgio and Treu do not teach the elements of Claim 16 or the additional elements of Claim 14.

Claim 20

Claim 20 depends from Claim 16 and is believed to be patentable for the same reasons articulated above with respect to Claim 16 and because of the additional features recited therein. That is, Martinez, Giorgio and Treu do not teach the elements of Claim 16 or the additional elements of Claim 20.

Claims 30 and 54

Claims 30 and 54 depend from Claim 25 and are believed to be patentable for the same reasons articulated above with respect to Claim 25, and because of the additional features recited therein. That is, Martinez, Giorgio and Treu do not teach the elements of Claim 25 or the additional elements of Claims 30 and 54.

Claim 49

Claim 49 depends from Claim 45 and is believed to be patentable for the same reasons articulated above with respect to Claim 45 and because of the additional features recited therein. That is, Martinez, Giorgio and Treu do not teach the elements of Claim 45 or the additional elements of Claim 49.

REJECTION OF CLAIMS 18 and 47 UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claims 18 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of Herrman.

Claim 18

Claim 18 depends from Claim 16 and is believed to be patentable for the same reasons articulated above with respect to Claim 16 and because of the additional features recited therein. That is, Martinez, Giorgio, and Herrman do not teach the elements of Claim 16 or the additional elements of Claim 18.

Claim 47

Claim 47 depends from Claim 45 and is believed to be patentable for the same reasons articulated above with respect to Claim 45 and because of the additional features recited therein. That is, Martinez, Giorgio, and Herrman do not teach the elements of Claim 45 or the additional elements of Claim 47.

REJECTION OF CLAIMS 13 and 26-28 UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claims 13 and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of Lui.

Claim 13

Claim 13 depends from Claim 12 and is believed to be patentable for the same reasons articulated above with respect to Claim 12 and because of the additional features recited therein. That is, Martinez, Giorgio, and Lui do not teach the elements of Claim 12 or the additional elements of Claim 13.

Claims 26-28

Claims 26-28 depend from Claim 25 and are believed to be patentable for the same reasons articulated above with respect to Claim 25, and because of the additional features recited therein. That is, Martinez, Giorgio, and Lui do not teach the elements of Claim 25 or the additional elements of Claims 26-28.

REJECTION OF CLAIM 22 UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of Liddell

Claim 22 depends from Claim 16 and is believed to be patentable for the same reasons articulated above with respect to Claim 16 and because of the additional features recited therein. That is, Martinez, Giorgio, and Liddell not teach the elements of Claim 16 or the additional elements of Claim 22.

REJECTION OF CLAIM 53 UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claim 53 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of Tobita patent.

Claim 53 depends from Claim 7 and is believed to be patentable for the same reasons articulated above with respect to Claim 7 and because of the additional features recited therein. That is, Martinez, Giorgio, and Tobita do not teach the elements of Claim 7 or the additional elements of Claim 53.

CO-PENDING APPLICATIONS OF ASSIGNEE

The Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Appl. No.	Filing Date	Attorney Docket No.	Title
08/942,402, now U.S. Patent No. 6,338,150	10/01/97	MTIPAT.118A	DIAGNOSTIC AND MANAGING DISTRIBUTED PROCESSOR SYSTEM
09/911,884, now U.S. Patent No. 6,681,342	07/23/01	MTIPAT.118C1	DIAGNOSTIC AND MANAGING DISTRIBUTED PROCESSOR SYSTEM
10/675,917	09/23/03	MTIPAT.118C1C1	DIAGNOSTIC AND MANAGING DISTRIBUTED PROCESSOR SYSTEM
11/586,282	10/25/06	MTIPAT.118C1D1	DIAGNOSTIC AND MANAGING DISTRIBUTED PROCESSOR SYSTEM

Applicant notes that cited references, office actions, responses and notices of allowance currently exist or will exist for the above-referenced matters. Applicant also understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

Applicant respectfully requests that the Examiner continue to review these file histories for current information about these matters. However, if the Examiner cannot readily access these file histories, the Applicant would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

RESCISSION OF ANY PRIOR DISCLAIMERS AND REQUEST TO REVISIT ART

The claims of the present application are different and possibly broader in scope than any pending claims in any related application or issued claims in any related patent. In particular, in one or more parent applications, including (1) U.S. Patent Application No. 08/942,402, filed October 1, 1997, now U.S. Patent No. 6,338,150, issued January 8, 2002; and (2) U.S. Patent Application No. 09/911,884, filed July 23, 2001, now U.S. Patent No. 6,681,342, issued January 20, 2004. Applicant amended claims and received allowance over at least U.S. Patent Nos. 5,864,653; 5,803,357; and 5,311,451.

To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant hereby rescinds and retracts such disclaimer. Accordingly, the above-listed references, or other listed or referenced art may need to be re-visited.

In addition, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 8-21-08

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